

# **City of Gahanna**

*200 South Hamilton Road  
Gahanna, Ohio 43230*



## **Meeting Minutes**

**Monday, May 24, 2010**

**7:00 PM**

**Council Committee Rooms**

## **Finance Committee**

*David L. Samuel, Chair  
Beryl D. Anderson  
Shane Ewald  
Thomas R. Kneeland  
Brian Larick  
John R. McAlister  
Nancy McGregor*

**Members Present:** David L. Samuel, Shane W. Ewald, Thomas R. Kneeland, John McAlister, Nancy R. McGregor, Beryl D. Anderson and Brian Larick

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**Additional Attendees:**

Tony Collins, Troy Euton, Mike Andrako, Dottie Franey, Trevor Wolfe, Karl Wetherholt, General Williams, Angel Mumma, Jennifer Teal, Kristen Treadway, Mayor Stinchcomb, Brandi Braun, Sadicka White, Leah Evans, Matt Huffman, Anthony Jones, Bonnie Gard, Tom Weber, Donna Jernigan, Brian Hoyt, Chief Murphy, Lt. Spence, Sharon Montgomery, Roy Lowenstein from Buckeye Community Hope Foundation, Christina Blenk from AFS Web, Inna Kinney and Steve Fireman from ECDI, Dorothy Smith - resident, Press

**PENDING LEGISLATION:**

**ORD-0110-2010**

TO REZONE 2.368+/- ACRES OF PROPERTY AS L-AR, LIMITED OVERLAY/MULTI-FAMILY RESIDENTIAL; SAID PROPERTY LOCATED AT 4251 EAST JOHNSTOWN ROAD; BUCKEYE COMMUNITY HOPE FOUNDATION, APPLICANT.

Samuel called the meeting for Monday, May 24 to order; said the first item is pending legislation for ORD-0110-2010; this is a rezoning of 2.368 acres at 4251 E. Johnstown Road to L-AR (Limited Overlay Multi-Family Residential), Buckeye Community Hope Foundation, Applicant.

McAlister said I have no problem with this; it is a nice looking project and it received a good recommendation from the Planning Commission; I am happy to vote yes. Kneeland said the current zoning is CC (Community Commercial); I would ask if the Development Department has anything to say.

McGregor said considering our vote on the last issue like this in this area, I can't see taking something out of income-producing land to a nonproductive residential building where there would be no property or income tax. Ewald said I had asked for a financial impact study. Jones said it is part of this report. Ewald said the financial loss is glaring if we take this land we had set aside for business and we are not able to convert it; financially we know where we are; I would have a difficult time changing this zoning from business to residential. Samuel asked if Development had anything to add. Jones said the financial analysis points out that this development would cause a reduction in costs for the current service providers in the area. Ewald said thank you for running the financial analysis. Samuel said the recommendation is for second reading on regular agenda.

Samuel said if we could back track, Buckeye Community Hope Foundation has someone here for questions.

Lowenstein said I misunderstood our place on the agenda; I got here at 7:05 P.M. and you were done with our issue; I appreciate that you are giving folks a chance to ask questions; to review, we are planning a 42 unit apartment building for senior housing which does require rezoning; the property is currently zoned commercial; it has been vacant awhile and it does not appear, in this market, that there will be any commercial development soon; I live a half mile away and go by it frequently; I decided it would be a great site for senior housing; we have developed about 20 over the years; we would bring a beautiful building to Gahanna; we would make 1 and 2 bedroom apartments that are affordable to seniors; this is a federal tax credit program delegated to the states for

affordable housing; it is a public and private sector development; it is not on a bus route but there are a lot of locations that are walkable; the new OSU Medical facility is close by; the state gave the location a favorable review; we will find out in July if the site is selected; we would like in the interim to get the correct zoning accomplished; happy to answer any questions.

Samuel said do you have other properties that you have developed we can see. Lowenstein said we developed a couple of projects over the last 2 years but they are not the same kind of structures; the property here is a 2 story; the last one we did had ranch apartments with garages where you need more room; this has only 2.4 acres; the photos displayed are from Delaware where we had 60 units that leased up in 4 months; we have one in Columbus in the inner city that is a 50 unit complex; it was done around 2004 and we are a general partner and manager; you can go look at any of these and I can provide additional ones; we work state wide and in the surrounding states.

Anderson asked what do you do if your financing does not go through. Lowenstein said we don't have an alternative; we have 2 shots at getting it done; in March and we can apply again in October; the state liked the site; they commit last year's money to deals done then; 2 shots at it give us a reasonable chance but if we don't get it we do not go forward; the tax credit is the driving force; it pays 60 to 70% and everything changes dramatically if it is not available; rents would double; we are nonprofit so we would give it up as not compatible with our mission; at this time we are willing to take that chance. Anderson said why should Council change this zoning since we didn't do it for others. Lowenstein said I have been driving by this lot for 10 years; the For Sale sign is falling down; there are a number of commercial sites available in Gahanna and no one is taking advantage of them; we see vacancy along Hamilton Road and in the shopping centers; looks to us like your commercial development has stalled; that could change but on the other hand, the city doesn't need to be a prisoner to a plan made 10 years ago when economically things were booming; you have the ability to recommend mixed used per this plan, and maybe the transition point is this site which would not be a bad outcome.

Kneeland said you have listened to the financial situation the City is in; we made the decision on the last request based on the fact we are built out; our only growth is by annexation; everything has slowed to a crawl and residential development costs more to support it than commercial; this is a beautiful project and a decision that I am having a tough time with; but personally, I am not willing to give up on a property already zoned for business and not have the potential to develop it that way; I would like to see you talk to Development about other sites here in Gahanna; have you explored other options available to you if this isn't the right one at this time; my mother-in-law lives in senior housing so I know how necessary it is; we are in a tough position now; we need to attain the maximums in tax revenue so we need good projects for Gahanna.

Lowenstein said I appreciate what you are saying, it would mean way more if we weren't expected to pay tax. Kneeland said we need income taxes; that is what fuels the ship. Lowenstein said we will generate a couple of jobs; but this is not for me to say but you to figure out; how many commercial establishments are opening and where will they locate; I see a fair number of commercial locations not too far away that are also vacant.

McAlister said I would vote for this; how long has this land been for sale; years and years; maybe the plan should be changing along with this zoning; in the last year we have seen a lot of requests for rezoning; maybe the market is trying to tell us something; we have become overly dependent on financing off other people's income. Lowenstein said we will have 42 units; the average income might be \$20,000; some higher and some lower. Kneeland said is there any W2 income. Lowenstein said we may have some; there are now people working into their 70s; not high end jobs however; in Delaware, we had

younger people, mid-sixties, move into our senior housing. McAlister asked if a resident's income goes up, will they be forced out. Lowenstein said no; in subsidized housing, you would have to leave; with this housing, you get income qualified in the door and it is not based on income; not set on income but based on an affordability guide for the county you are in; once you establish those and it meets guidelines they have to pay the established rent. Anderson asked if it is a couple do they look at both incomes. Lowenstein said yes; for incomes for one of our developments, a couple can be higher than a single, for example \$32,000 for the couple and \$28,000 for the single; thank you.

**Recommended for Substitution and Adoption**

**ORD-0109-2010**

**TO ADOPT THE 2010 UPDATE TO THE GAHANNA BIKEWAY MASTER PLAN**

Larick said several people have expressed concern to me about the area crossing the creek. Collins said that is in the Big Walnut Trail Plan; that is a part of the Bikeway Master Plan; the update includes the Trail Plan; page 3 or 4 shows the southern portion of the connection back across the creek; that is often referred to as the FOP property; we looked at how we could get across the creek, bring it along the church and neighborhood houses and keep far away as well; we will take it across the FOP site as long as whatever developer or owner works with us; the church has been willing to work to get it across the southern part of the property; these folks have come to meetings to actively pursue it. McGregor said we show that route going behind Stoneybrook; this shows it going across the FOP property. Collins said no; we never actually put that in.

Kneeland said he would like to thank the bike board for all the time, effort and thought that went into this; as big as it is, to have only one small catch is great; kudos to all of you who put it together; I know Mike Andrako and others worked on it. Collins said I will pass on your comments; we appreciate it.

**Recommended for Adoption, Consent**

**ISSUES - From Director of Finance:**

**2010 Financial Update**

Mumma provided a power point presentation; a copy is available in the Council Office. Questions:

Kneeland said my question is on the slide with predictions for the Local Government Fund. Mumma said we didn't project growth. Kneeland said we are seeing a sliding scale down. Mumma said based on State of Ohio revenue, the freefall has stabilized and we see a small amount of growth. Kneeland said I would like to see that slide compared to other communities; is this typical or normal. Mumma said different entities classify expenses differently; there are some common ones used by auditors that we see on expense reports though; I should be able to get that information from neighboring communities.

McAlister said on the last slide, why are revenues down so far; are we losing a large number of people working here so payrolls are down. Mumma said it is not growing and other revenue factors are going down. McAlister said so there are fewer people with income to tax. Mumma said in the past we lived off our growth rate; now it is not increasing and there is nothing on the horizon to give us any significant income tax; we are not going to see the level of that like we had in the past. Mayor said we have lost some major employers here as well; EMH&T and Alliance Data; the NetJets expansion did not materialize; we have added some new jobs and we are hearing about a recovery, but we are not at a point to add 60 jobs here somewhere; there are some coming in the industrial zone, but it is 2 here or 10 there; our former Finance Director said we needed to grow revenue at 5% to break even. Mumma said this takes into account grant revenue.

Mayor said on the five year outlook, we see expenses surpass revenue; we are evaluating every option and solution to avoid this and researching best practices; we have found ideas from other communities' citizens committees and I am recommending we do that here; they could give fresh input and solutions; I am opening this up to Council for any residents or employees; I have started a list of individuals and I am looking for people with experience in finance and budgets; ideally it would work best to get it formed by the June 14 budget meeting; they would then be given the same information as Council; they may meet independently; this way we get additional opinions of the public and be in a position to make recommendations by fall; not my intention that they report by the state-mandated budget in July; they won't be required to go into detailed line by line item like Council; does Council want to recommend anyone or know of people to do this; I think 12 people would be enough. Anderson said what is the time frame. Mayor said starting in June and done in August or September; I want it to be a citizen led group; they decide how and when to meet; I see this as just another tool for review to get the citizens and public involved for additional insights; it is always helpful to look at the best practices of other communities.

Mayor asked if anyone wanted to talk about the five year plan. Kneeland said how and in what format do you want to review it. Mayor said we could put copies out or go through it in a Committee meeting; it is not really relevant to the July budget; it is a long term tool for forecasting. Kneeland said we will talk about it and let you know.

Mumma said she would send the presentation out to Council.

## **ISSUES - From Director of Development:**

### **Economic Development Fund.**

White said I indicated at a previous committee that I would come back and present some concepts with regard to incentives; Jones will begin this with a presentation; if you would hold questions until the end, we have members from ECDI (Economic and Community Development Institute) also present for questions.

Jones provided a Power Point presentation; a copy is available in the Council office.

Fireman said we have the expertise to bring jobs to Gahanna; we have worked with Gahanna and can make a big difference. Anderson said can you speak to the efforts in other similarly situated communities that created 30 to 100 jobs and how those projects came about. Kinney said we have been operating an administrative loan fund for Columbus since 1999; that generates new jobs and we do about 20 to 30 businesses a year; we will have even more availability next year; we do micro-loans for retail and food, as well as some other services in Franklin County, and those resources can be matched to Gahanna funds to create 20 to 40 new jobs a year; we take in requests and match them to Columbus and other funding sources; so we would look at a loan form and match needs to your funds. Anderson said similarly situated communities would be like us; we are a community of 36,000 so I am looking for information on another one like us that would be having difficulty with development; based on that population what can we expect would come to us. Fireman said the county program prohibits us from lending in Columbus; there are no city loan funds and with city banks not doing lending, the demand is still there; your desire to create a tax base is there; we don't have another comparison city right now; this agreement would put you a couple of years ahead; this would directly leverage your money with ours.

McAlister asked where did you get your portfolio money of \$5.8 million. Fireman said we have 12 funds with about 2 million available for loans; not all of that is available to

the City of Gahanna; we plan to commit \$450,000 to Gahanna; we have 20 counties and have 2 million available; so \$450,000 would be our match. McAlister said that would deplete your available funds by 25%. Fireman said this is for small business borrowing called micro-lending; money is available from the federal government for this. McAlister said money from citizens, not a banker; have you thought about the reason banks are not lending; could it be they do not have enough depositors; the government has sucked the money out to this kind of funding. Jones said banks have received significant assistance from the government; they don't loan, not because they don't have money, but because they are too scared to lend it out. McAlister said why tax and lend; we have made a policy to just issue more money; when you have a business line of credit cut off, it becomes a risky business. Jones said these folks do a wonderful job and it is not just tax dollars. Kneeland said if we take ECDI, and look at the TIZ (The Industrial Zone) funds for reinvestment; we see the same purpose; this is why we got the TIZ originally and folks went to the Supreme Court and paid fines to get it established; it has paid off for 30 years; now we have to consider ways to leverage it and it can only be in the area of development; so I am 100% behind this. Anderson said I echo that sentiment. McGregor said what options do we have with the TIZ money. Mumma said for the past 30 years we have used it to offset in the General Fund; expenses like the contract prosecutor and for street lights.

Larick said you said financial institutions are not lending due to perceived risks; what are you doing to mediate that risk. Kinney said we provide training, technical assistance, our job is to provide assistance. Mayor said we interviewed the major local banks; we have done business with them; we were direct and asked what do you have for the community as lenders; they have nothing to lend; they sent us to ECDI. McAlister said in other words the bank sees an elevated risk; they do not profit from the loan so they want to transfer the risk to the tax payer. Mayor continued by saying given the costs of processing loans, they don't want to do the paperwork; they basically don't want to fool with it since there is not enough profit in it; we are in uncharted territory with our current financial situation; White has approached me for years about doing this but we didn't need it; we can talk about cuts but we have to create jobs; we need to use every possible tool in the box to create jobs and find revenue that suits this purpose; we have to thank Al McKenna from 30 years ago who put the original language in the ordinance for this; we have anticipated the TIZ revenue ending; we are trying to be competitive; we could use these funds for other things or to seed new jobs; 80 percent of this goes to businesses who decide to expand; I appreciate Kinney and Fireman coming here at our invitation.

McAlister said he feels we made a similar mistake with Creekside funding; maybe that project should have been referred to these people. Mayor said that is more of an editorial comment. McAlister said I am against getting government involved in local, state, and federal funding and transferring the risk to the taxpayer.

Kinney said the loan fund is making an investment; we loan funds but you own your loan fund; this is a revolving fund not a hand out; take the money and reinvest it; this is additional capital.

Ewald said we are very tight with our budget; this is business income leveraged with the private sector to add jobs to Gahanna; we need to start to plan for the future now, if we spend it on a road, what kind of jobs will we have; I can support going forward; it is money for business to reinvest in the community so I support it.

Kneeland said it might be different if this was tax receipt revenue; but this was payment in lieu of tax; not General Fund tax; the TIZ was created to allow for this. McAlister said

how do you feel about the 8% default rate; what is the success rate; did that equal or exceed the funds from default; banks don't operate revolving loan funds. Samuel asked what kind of clients are you currently getting. Fireman said J Gumbo's is one; we specialize in insurance, home health care, beauty shops; any small business.

Anderson said is there information you can give us on the number of businesses started; the success rates and this 8% default. Kinney said that is less than the national average. Anderson said what is the national average. Kinney said we have provided those details in our proposal. Jones said we have it. Anderson said I am interested in those additional facts; are your clients subject to audits and open to federal revenue. Samuel asked Jones to send the information on the applications and screening out to Council members.

Samuel recognized a resident in attendance; she said my name is Dorothy Smith from Vista Drive; I have a business; I have asked for a loan with cash backing from Chase Bank and was denied; I am here tonight looking for hope and something to encourage me to go on; I don't really have a question; I just wanted you to know this is what is needed for my business.

McGregor said if J Gumbo's is already a client, why do we need this if Gahanna businesses can already apply and get a loan. Kinney said that is a great question; a lot don't qualify; J Gumbo's was turned down because they did not meet guidelines; you are investing your money and it is less restrictive. Jones said it helps to have it targeted to just Gahanna; allows them to meet different requirements and opens up access.

McGregor said we could spend this money on infrastructure improvements, seems like if we don't look better that is a deterrent; what is the point of doing this if infrastructure is decaying; seems counter productive. Anderson said is it either/or.

McAlister said for a year we would give up our TIZ money hoping to generate a 1 to 1.5 ratio; is that per year or one time. Jones said there is a \$75,000 service fee paid on a monthly basis the first year. Anderson asked if franchisees are also eligible. Kinney said yes. McAlister said have you done a spreadsheet with projects loaned and income generated on a year by year basis; something that shows how you are doing. Jones said we do this for Creekside; did a model on information from ECDI. McAlister said is this conceptual rather than factual. Jones said no; but it is a living document. McAlister said we do not know if they have been successful unless they can provide us that detail. Jones said we can provide information on past projects. Anderson said how do you measure success. Fireman said there is a lot of evidence including income tax. Mumma said fact is we are in a new environment; there will be no new AEPs; if we do some economic development and create jobs it will be 1, 2, 5 or 7 at a time; that is our new reality. Anderson said part of creating jobs is helping to maintain jobs. Fireman said yes business incubation; that is why we are there for the life of the loan; we help to create marketing, provide classes and legal help; we don't make a loan and cut and run; we have quarterly contact; we help them connect with other business; we are in it for the long haul; we are not just a lender; once we are in the community we are here to stay. Mayor said that is part of the service we get from our administrative money; any small business can attend; they have broached the Chamber and they are very interested in this concept; hopefully by next committee we can hear from the Chamber on what they believe the benefits will be. Evans said she had a meeting with them Tuesday at 8.

Recommendation: 1st Reading, Consent; back to committee.

## **ISSUES - From Previous Committee Nights:**

### **Contract - Website Redesign**

Samuel said the Website redesign is from a previous committee meeting; we received a memo last Friday on AFS Web.

Hoyt said based on questions and feedback, the Committee revised its recommendation and now recommends the contract be awarded to AFS Web, a Central Ohio firm; would like to introduce Cristina Blenk who will provide details on the new web site project.

Blenk said she enjoyed listening to the earlier presentations; her company was founded in 1996 and was located at 610 Morrison Road here in Gahanna; familiar with hiring employees and being a small business owner here; I have learned how to address the needs of clients in a budget-minded manner; I designed the website currently being used 8 years ago and I am familiar with its content managing system; there were a lot of benefits in that early package, but it is light years away in the technology market since then; back then there was no Google Chrome or many other advances. Blenk provided a handout and reviewed her company's "Top Ten Benefits in Ten Minutes"; a copy of the handout is available in the Council office.

Questions:

Larick said there are often additional costs; there are several 3rd party vendors like COCIE (Central Ohio Commercial Information Exchange) mentioned; do these add additional costs at the front end or any ongoing developmental costs. Hoyt said we already have licenses which allow us to import data and use it so as to avoid those costs; we did our homework.

Samuel asked if it will have streaming video. Blenk said the availability will be there in several formats. Hoyt said we will insure access to our UTube Channel.

Larick asked who is doing the hosting; is it self hosted; is it redundant. Blenk said because our systems are advanced we don't host; we include licensing fees and the data center we use is amazing; we use Pure One Network; they have servers in a variety of locations; they host on 2 servers so you have real time back up; they have a lot of redundancy built in; they host about 95% although we do have some clients that host themselves; Gahanna Schools used to host their own; now we do; City of Delaware just didn't want to deal with it. Larick said can you provide usage statistics like what sites are people using. Blenk said the stats are available if you host with us; real time stats are available; our graphs are very detailed; historical data is all matched; if you don't host with us, you need to make sure to request it as it is a service the host provides. Braun said Kneeland was involved in these discussions and is fine with them hosting it.

Ewald said how would this affect public records request requirements; our Records Clerk needs access; how would that happen. Blenk said you can determine how to store and list those files; for example to an Excel spreadsheet; we have an administration area with restricted access; but it is web based so anyone can get access and log in. Ewald said will the Courts use this. Blenk said that does require a larger software application. Braun said this allows the foundation; not in budget right now but in the future it will be able to accept court payments.

Braun said we asked Blenk to provide a brief overview; Hoyt has sent out a comprehensive memo in email; it details information on how this will free up manpower due to the long time it takes us now due primarily to code writing; I would ask you to please read Hoyt's memo. Anderson reminded all that her information needs to be sent to Sherwood who is providing her with hard copies as she is not able to use email at this time.

Recommendation: 1st Reading, Consent Agenda; 2nd Reading, Regular Agenda.



## **Civil Service Rules & Regulations**

Samuel asked Weber to restate his opinion in layman's terms. Weber said the Civil Service Commission can delegate functions to Human Resources; the commission is not abdicating authority to delegate it; to actually change the commission into an appellate board would require a charter change.

Kneeland said he would like to mention that even though we are making this change, the Civil Service Commission and staff have done a great job; by no means is this a negative connotation; we are in changing times; we now have an HR Department and so this is at a transitional point; I just want to make it clear that my opinion of Civil Service is that it has done well over the years. Weber concurred.

Recommendation: 1st Reading, no need to come back, 2nd Reading, Consent Agenda.

## **ISSUES - From Chief of Police:**

### **Amend Code - Section 537.12, Misuse of 911**

Spence said he and Weber had discussed this; the Police are requesting an amendment of Section 537.12, Misuse of 9-1-1; we have a current section that provides for the misuse of 9-1-1, but there is no provision for repeated and inadvertent calls; like a business with a code to dial out that repeatedly calls 9-1-1; there is a fee structure set up; this would establish a penalty in the form of a \$250.00 fee; we are not trying to dissuade people from calling 9-1-1; these are repeated and habitual calls that would be simple to correct in their phone system; usually caused by fax machines, modems, or automatic dialers; we need to recoup for service on wasted calls.

Larick said he saw a copy of the proposal; understand and agree with this, but how do we separate multiple calls that were misdemeanor from those that were not. Spence said an abusive call is tying up a line and there is nothing obviously wrong; for this, there would be a fee charged based in Code, to the person who is in control over the premises. Larick said yes but is that enforceable; one is neutral; one is criminal; is it more appropriate to make all this a misdemeanor. Spence said we have a flat fee for alarms, but it is hard to criminalize inadvertent calls. Mayor said we are trying to motivate companies to change their systems. Spence said that is it exactly.

Kneeland said for 9-1-1 every call is recorded on digital audio; we should be able to differentiate; based on what I read this is about education, then fees; the evidence is on the recordings; so for whoever owns the phone system, we have tried educating; now we need for you to get this fixed so fees apply; in 2009 we upgraded 9-1-1; we previously never had tools for tracking but now we have analytics so we can get a clear snapshot of the offense. Larick said is there any change. Weber said no; one is for the more serious intentional misconduct. Samuel said do officers respond to every 9-1-1 call. Spence said, in general, they are disconnected if it is a recording or fax tone; but we dispatch; we don't know the situation so an officer makes a determination. Chief said these are very clear situations; they are acts of inadvertence rather than intentional misuse; some phone systems have 9-1-1 alerts; we just need for them to get their systems reprogrammed. Spence said we have only two 9-1-1 trunks and we respond to 6,000 calls a year which is 500 to 600 a month; these are nuisance calls tying things up. Larick said I understand.

Recommendation: 1st Reading, no need to come back, 2nd Reading, Consent Agenda.

### **Amend Code - Chapter 715, Alarm Systems**

Spence said this revision is for Chapter 715 Alarms; statistics included and reviewed show 73% are false; we currently have Code language that allows for criminal charges and fees; we would like to revise this section where it refers to a calendar year and change it to "within a 12 month period"; we would also add a \$100 fee increase; the fee has been in place since the '90s; increase it to \$250 for the 7th & 8th offense and \$350 for the 9th on up; it is a misdemeanor criminal violation; we would like to eliminate section 715.09 entirely; entitled "Exemptions"; it adds confusion; these alarms are not heard beyond the dwelling; the police are not notified so we would ask it be stricken.

McGregor said on the first issue, how will you track your rolling calendar year. Spence said we have one person that is devoted to this; our software tracks and bills so we have the ability to determine if it was weather related.

Recommendation: 1st Reading, no need to come back; 2nd Reading, Consent Agenda.

### **Liquor Permit - Big Daddy's Drive Thru**

Chief Murphy said I would ask you to object to this request for a liquor permit, and request a hearing; he previously ran a beer drive thru and we had several underage sales and consider him high maintenance; that will send it back to the State Liquor Control Board for a hearing. Ewald said what was the name of his original drive thru. Chief said it was called The Alpine; the new location is North Hamilton by Vistas. Ewald said I have never heard you turn one down. Chief said this may only be the second one; they have to be brought into compliance.

Recommendation: Motion Resolution to object, Consent Agenda.

### **ISSUES - From City Engineer:**

#### **Safe Routes to Schools - ODOT Preliminary Legislation**

Wetherholt said we received an ODOT (Ohio Department of Transportation) Safe Routes to School Grant; we were awarded grants for infrastructure improvements that were permitted; ODOT wants typical legislation; the first step is to authorize the agreement to get this going; the schools involved are Middle School East, Middle School West, Lincoln Elementary, and Jefferson Elementary.

Ewald said he would like to thank engineering for all their work on this; it is a way to get federal dollars back here to Gahanna; the Mayor and I have been working with the Shull residents and I would like to present the information to them.

Recommendation: 1st Reading, Consent Agenda; 2nd Reading, Regular Agenda.

### **ISSUES - From Council:**

#### **Texting Ban**

McAlister said there was legislation passed by the Ohio House; I gave a copy to Sherwood for all of Council.

Samuel said this doesn't ban pulling up phone numbers but does ban texting; is it a primary offense. Montgomery said yes it was. Anderson asked how do they determine what you were doing. McGregor said they could check your phone. McAlister said they would have to have your phone to pull it up; are people that are being stopped going to provide it. Ewald said it is presented like a speeding ticket; you get the ticket and then you have to prove you are not guilty; they are guessing. Anderson said that can contribute to people being profiled; let's ask Chief Murphy.

Spence said honestly this one stumps me; I have read the House Bill; it doesn't prohibit you from dialing; when it comes to cell phones, PDAs, and smart phones, the Supreme Court and case laws say we can't lay hands on the phone; we are not going to do a search warrant for this; we have a law requiring "full time and attention" when driving; so if you are weaving we can stop you; it is not behavior specific; you could be eating or putting on make up; it is very broad based. Mayor asked if it is a primary offense. Spence said this is a primary offense; impaired driving starts with this; this is open to interpretation and implies a negative connotation; not easily articulable; were they dialing or texting. Anderson said it is more subjective and harder to determine. Spence said we can easily determine a problem with full time and attention. Samuel said what about on accident reports. Spence said they say driver inattention. Samuel said more than OMVI. Spence said the number one cause of accidents is assured clear distance, then speed; then devices like red lights and stop signs; most single car crashes are due to a lack of full time and attention. Larick said can it be multiple offenses. Spence said yes; you see OVI with some type of primary violation.

Kneeland said on the streets, how many officers do we have on a shift. Chief said 6 to 10 or 11 to cover 17 square miles. Kneeland said another problem in trying to control texting is what the reality of this is; do they have to see them and then make a stop; will the arrest rate get higher because of this; how do we make an impact with this. Anderson said it is a law and it is on the books. Kneeland said so are you going to break fingers; what is the reality. Spence said these are good questions; this is difficult for traffic enforcement; if we have a crash or a red light, we can make the streets safe and remove impaired dangerous drivers; full time and attention does that; it is a dangerous behavior; one very dangerous behavior right now; but with technology changes, it may not be here in a couple of years. Weber said true; it is not only texts, but also cell phones; and specialty cell phones; they have icons and you can email and all that is distracting; it should not be limited to just texting. Spence said yes, and the other slippery slope is the individual municipalities getting into regulation of motor vehicle traffic; how many people know if you are going northbound on Hamilton Road you could be texting in Gahanna, but when you go across Morse Road you could be pulled over; full time and attention applies unilaterally across the state.

Ewald said we need a general law; some Council members are concerned with this and to elevate this as a sub set legislatively is fine; I would add to the fine based on that. McGregor said I like the broad law of full time and attention; I know that other cities are passing texting bans and making a big deal of it; I think it would be a way to educate teens; make the point that you can't text in the City; is it worth it for publicity to say don't do it. Spence said I would rather see a little more full time and attention on our part; drafting legislation and us having 0 enforcement actions is not good; in the interim, for summer, traffic efforts pick up; we can get more information out there on how this applies. Mayor said is there a fine now. Spence said \$150 is max.

Braun said we can do an education program. Kneeland said I like what Ewald said; increasing fines for aggravating circumstances; add a fine based on the crime; a lot of communities have made it the law; we could do the same thing under the current law. Mayor said I can take it back and do some research; look at other communities; then bring it back to the next committee. Samuel said the Ohio Department of Education considers this a major issue for 2010 for school bus drivers.

Recommendation: Return to Committee in 3 weeks.

## Resolution

McGregor said I would like for us to do a resolution to honor Gregg Morris's tenure as superintendent of Gahanna Schools; all Council members agreed.

Recommendation: Resolution, Consent Agenda.

**Miscellaneous Discussion:**

Hoyt said he would like to announce that the City-wide Wi Fi network is up and running check it out on [highspeedair.com](http://highspeedair.com).

McGregor said what are the devices we are seeing on lampposts; is it for water meter reading. Franey said it is for wireless transmission; water meter readers will use it.

**Della Brandenberger, Reporting**